

★ REBEL ARCHIVES ★

[SENATE BILL No. 27.]

SENATE, February 2, 1863. Read first and second times and ordered to be placed on the calendar and printed. February 23, 1863. Ordered to be engrossed, read a third time and printed.

[By Mr. SPARROW, from Committee on Military Affairs.]

A BILL

To be entitled an Act defining who shall be exempt from military service in the armies of the Confederate States.

1 SECTION 1. *The Congress of the Confederate States of America do*
2 *enact*, That the following named persons are hereby exempted
3 from service in the armies of the Confederate States, upon the
4 terms and conditions hereinafter stated :

5 I. Those who shall be held unfit for service in the field by
6 reason of bodily or mental incapacity, to be ascertained by a
7 surgeon of the army who is not a resident of the part of the
8 country from which those he is called upon to examine, may have
9 come; and persons declared to be unfit for duty in the field
10 under this act or under the act entitled "An Act to establish
11 places of rendezvous for the examination of enrolled men,"
12 approved October 11th, 1862, by reason of any organic disease,
13 or permanent disability, shall not be afterwards subject to be
14 again examined and enrolled.

15 II. The Vice President, the officers, judicial and executive, of

16 the Confederate and State Governments, including postmasters
 17 appointed by the President and confirmed by the Senate, and
 18 such clerks in their offices as are now allowed by the Postmaster
 19 General, and were employed therein on the 16th of April last ;
 20 excluding all other postmasters, their assistants and clerks, and
 21 such State officers as the several States may have declared or
 22 may hereafter declare, by law, to be liable to militia duty ; the
 23 members of Congress of the Confederate States and of the
 24 Legislatures of the several States, and their respective officers ;
 25 all clerks in the offices of the Confederate and State Govern-
 26 ments authorized by law and receiving salaries or fees fixed by
 27 law : *Provided*, this act shall not be construed to exempt from
 28 service persons appointed by the officers of the Executive
 29 Departments, or by other executive authority, since the 16th of
 30 April, 1862, and who were liable to military service when
 31 appointed, under the various acts of enrolment.

32 III. All volunteer troops heretofore raised by any State since
 33 the passage of the act entitled " An Act further to provide for
 34 the public defence," approved April 16, 1862, while such troops
 35 shall be in active service under State authority : *Provided*, That
 36 this exemption shall not apply to any person who was liable to
 37 be called into service by virtue of said act of 16th April, 1862.

38 IV. All pilots and persons engaged in the merchant marine ser-
 39 vice, excluding such owners of vessels as are not actually employed

40 in navigating the same ; the president, and such superintendents,
41 roadmasters, station-agents, conductors, engineers and mechanics,
42 in the permanent service of railroad companies, as the President
43 thereof may, under oath, declare to be necessary; not to include
44 laborers or any other employees: *Provided*, That no president or
45 conductor of any railroad company, or railroad train, shall be
46 exempted from military service under this act, when such
47 president or conductor shall fail, neglect, or refuse to furnish
48 seats to such wounded or sick soldiers of the army as may desire
49 transportation over such railroad, and fresh water, for drinking
50 purposes, in such tanks or other vessels in each passenger car,
51 as may be necessary for the use of said sick and wounded, and
52 also the necessary fires to render said cars comfortable ; captains
53 of boats, and the engineers and pilots thereof, actually engaged
54 in canal and river navigation : the president of any canal com-
55 pany, the secretary, chief clerks, chief toll-gatherer, and such
56 mechanics in the permanent service of said company, as the
57 president, under oath, shall declare to be necessary ; the presi-
58 dent, general superintendent and operators of telegraphic com-
59 panies, and the local operators of said companies, not to exceed
60 two in number at any telegraphic office but that at the seat of
61 government of the Confederate States.

62 V. One editor of each newspaper now being published, and
63 such journeymen printers, engineers, pressmen, stenographic

64 reporters and mailing clerks, as the editor or proprietor thereof
65 may certify, upon oath, to be indispensable for conducting the
66 publication; the public printer, engineers, pressmen, and such
67 number of journeymen printers as he may certify, upon oath, to
68 be necessary for the discharge of his duty.

69 VI. Every minister of religion authorized to preach according
70 to the rules of his sect, and now in the regular discharge of min-
71 isterial duties, and all persons who have been since the 16th
72 April, 1862, and now are members of the Society of Friends, or
73 the Association of Dunkards, Nazarines or Menonists in regular
74 membership in their respective denominations: *Provided*, That
75 such members shall furnish a substitute or pay a tax of five
76 hundred dollars each, into the public treasury.

77 VII. All shoemakers, tanners, blacksmiths, wagon makers,
78 millers and their engineers, and mill wrights, skilled and actually
79 employed on the 16th of April last, in said trades as their regu-
80 lar vocation, and working therein for the public, and who have,
81 since said time, been so regularly employed: *Provided*, Said
82 persons shall make oath in writing, and present the same to the
83 enrolling officer, that they are so skilled and are, and have been
84 since the 16th of April last, actually employed in one of the
85 above trades, as their regular vocations, and working for the
86 public, which affidavit shall, however, only be *prima facie* evidence
87 of the facts therein stated. Also, the superintendents and

88 operatives in wool and cotton factories, paper mills, and carding
89 machines, and in card factories, and factories for the manufacture
90 of wire for cotton and wool cards: *Provided*, That the
91 exemptions herein granted to persons on account of their
92 mechanical skill or occupation, shall be subject to the con-
93 dition that the products of the labor of said exempts shall
94 not exceed a fair and reasonable amount, and to be within
95 a maximum to be fixed by the Secretary of War, under such
96 regulations as he may prescribe: *And provided*, That in the case
97 the superintendents and operatives in wool and cotton factories,
98 paper mills, carding machines, and mechanics in these and all
99 other manufacturing establishments, the manufactured articles
100 shall be sold at a profit not to exceed thirty per centum per
101 annum upon the nett capital invested, which fact shall be ascer-
102 tained by the oath of the president, superintendent, or proprietors
103 of such manufacturing establishment: *And provided*, That if it
104 shall be shown, upon evidence to be submitted to and judged of
105 by the Secretary of War, that any manufacturing establishment
106 has violated this condition, the exemptions herein granted shall
107 no longer be extended to the persons employed in said establish-
108 ments or factories, but each of them shall be forthwith enrolled
109 and placed in the military service.

110 VIII. All presidents and teachers of schools, academies, col-
111 leges and theological seminaries, who have been regularly

112 engaged as such for the two years last preceding the 11th Octo-
113 ber, 1862, or who were engaged in teaching school as a profes-
114 sion on the 1st of January, 1861, and who are now so engaged ;
115 all superintendents of lunatic asylums and the regular
116 physicians, nurses and attendants therein, and all teachers reg-
117 ularly employed in the institutions for the deaf, dumb and blind.
118 IX. All physicians who now are, and have been for the last
119 five years in the actual practice of their profession; and in each
120 apothecary store now established and doing business, one prac-
121 tical apothecary in good standing as such.

122 X. All artisans and mechanics employed in the manufacture
123 of arms or ordnance of any kind by the several States, or by
124 contractors to furnish the same to the several State Governments,
125 whom the Governor or Secretary of State thereof may certify
126 to be necessary to the same.

127 XI. All persons engaged in the construction of ships, gun-
128 boats, engines or sails, necessary to the public defence, under
129 the direction of the Secretary of the Navy.

130 XII. All superintendents and employees engaged at salt works
131 conducted under authority of any State, and all superintendents
132 of laborers engaged in the manufacture or mining of salt, to
133 the extent of twenty bushels per day: *Provided*, That there is
134 not more than one superintendent for every twenty laborers; all
135 superintendents of laborers (not to exceed one for every twenty

136 laborers) engaged regularly in the production of lead or iron, or
 137 in burning coke for smelting or the manufacture of iron; regular
 138 and skilled miners in coal mines, and colliers engaged in making
 139 charcoal for making pig and bar iron.

140 XIII. For the police of slaves, one person on each farm or
 141 plantation, the sole property of a minor, a person of unsound
 142 mind, a *femme sole*, or a person absent from home in the military
 143 or naval service of the Confederacy, on which there are twenty
 144 or more slaves: *Provided*, The person so exempted was employed
 145 and acting as an overseer previous to the 16th of April last, and
 146 there is no white male adult on said farm or plantation who is not
 147 liable to military duty, which fact shall be verified by the affidavits
 148 of said person and two respectable citizens, and shall be filed with
 149 the enrolling officer: *And provided*, That the enrolling officer
 150 shall be satisfied that no white male adult not liable to military
 151 duty can be procured by ordinary diligence, suitable for said
 152 purpose: *Provided, further*, That this clause shall not extend to
 153 any farm or plantation on which the negroes have been placed
 154 by division from any other farm or plantation since the 11th day
 155 of October, 1862.

156 XIV. That on any farm on which resides a family of white
 157 women and children not less than ten in number, who are
 158 dependent for support and protection on the labor and presence
 159 of a white man, and on which there is no white male adult not

160 liable to military duty, or male minor or minors capable of work-
 161 ing said farm, there shall be exempted one person as laborer,
 162 when said person shall verify the facts aforesaid by his own and
 163 the affidavits of two respectable citizens, to be filed with the
 164 enrolling officer, and shall also make affidavit that said person so
 165 to be exempted, designs in good faith to act in said capacity on
 166 said farm; and in the event of a failure to do so, at any time
 167 thereafter, this exemption as to said person shall cease: *Provided,*
 168 The enrolling officer shall be satisfied that a white male adult, not
 169 liable to military duty, cannot be procured suitable for said
 170 purpose.

171 XV. Such other persons as the President shall be satisfied
 172 on account of justice, equity, or necessity, ought to be exempted.

1 SEC. 2. That all exemptions granted by law shall only continue
 2 whilst the person is holding the office or engaged in the pursuit
 3 or occupation by reason of which the exemption was granted,
 4 and nothing in this act or any other in relation to exemptions,
 5 shall be construed so as to exempt agents, clerks, or other persons
 6 employed by officers in the quartermaster, commissary or other
 7 departments of the Government, unless such agents or clerks are
 8 allowed by law, and their fees or salaries fixed by law; nor shall
 9 anything herein contained be construed so as to authorize the
 10 discharge of any one now in the military service of the
 11 Confederate Government.

1 SEC. 3. That all laws and parts of laws providing for exemption
2 from military service are hereby repealed, except as provided
3 herein; and no person exempted under previous laws shall con-
4 tinue to be exempted unless embraced within the provisions, and
5 on the terms and conditions of this Act. The provisions of this
6 Act shall apply to all persons between the ages of eighteen and
7 forty-five years, not in the military service.

Not applicable to all persons between 18 and 24 years of age.